

PHILLIP A. TALBERT
Acting United States Attorney
DAVID W. SPENCER
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VIN WHEALEN GAINES JR.,

Defendant.

CASE NO. 2:20-CR-0208-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: October 26, 2021
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 26, 2021.
2. By this stipulation, defendant now moves to continue the status conference until November 16, 2021, and to exclude time between October 26, 2021, and November 16, 2021, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes approximately 654 pages of investigative reports and other documents, as well as

1 numerous video and audio recordings and other materials. All of this discovery has been
2 produced directly to counsel and/ or made available to defense counsel for inspection.

3 b) The indictment in this case was returned on November 5, 2020.

4 c) In August 2021, this case was reassigned within the Office of the Federal
5 Defender to Assistant Federal Defender Douglas Beevers. *See* Designation of Counsel, ECF No.
6 45 (filed August 19, 2021).

7 d) Counsel for defendant needs additional time to review the discovery, conduct
8 investigation, confer with his client regarding defense strategy, and to otherwise prepare for trial.

9 e) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 f) The government does not object to the continuance.

13 g) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of October 26, 2021 to November 16,
18 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4] because it results from a continuance granted by the Court at defendant's request on the basis
20 of the Court's finding that the ends of justice served by taking such action outweigh the best
21 interest of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25 IT IS SO STIPULATED.
26
27
28

1 Dated: October 20, 2021

PHILLIP A. TALBERT
Acting United States Attorney

2
3 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

4
5 Dated: October 20, 2021

6 /s/ DOUGLAS J. BEEVERS
DOUGLAS J. BEEVERS
Counsel for Defendant
VIN WHEALAN GAINES JR.

7
8
9
10
11 **FINDINGS AND ORDER**

12 IT IS SO FOUND AND ORDERED this 21st day of October, 2021.

13
14 /s/ John A. Mendez
15 THE HONORABLE JOHN A. MENDEZ
16 UNITED STATES DISTRICT COURT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28